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CAUSE: PLAINTIFFS

DEFENDANTS

JOHN DILLARD; DAMASCUS
CRITTENDEN, JR.; EARWEN
FERRELL; CLARENCE J. JARRELLS;
ULLYSSES MC BRIDE; and LOUIS
HALL, JR.

v

TOWN OF HEATH

CAUSE

(CITE THE U.S. CIVIL STATUTE UNDER WHICH THE CASE
IS FILED AND WRITE A BRIEF STATEMENT OF CAUSE)

42 USC §§ 1973 and 1983; Alleged violation of Section 2 of Voting Rights Act thru use of
at-large election system.

James U. Blacksher

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Mobile;--AL--36602- 300 21st St North

433-2000---- Birmingham, AL 35203

322-1100 (Per 9/1/88 Notice)

Larry Menefee

5th Floor; Title Bldg;

300-21st-Street;--N-

Birmingham;--AL-35203

322-7300/7313-- (Per 9/1/88 Notice)

Edward Still

REEVES & STILL

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322-6631

Julius L. Chambers

Lani Guinier-Scherlyn Ifill

Pamela Karlan (Per 9/1/88 Notice)

NAACP Legal Defense Fund

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16th Floor

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-Susan Russ Mort P. Ames
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James Prestwood
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X

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HERE

IF CASE WAS
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FILING FEES PAID

DATE

RECEIPT NUMBER

C.D. NUMBER

STATISTICAL CARDS

CARD

DATE MAILED

JS-5

12/5/87 3/5/92

JS-6

12-5-89 3/5/92

UNITED STATES DISTRICT COURT DOCKET

DC-111 (Rev: 1/87)

DATE	NR.	PROCEEDINGS
		<p>THIS CASE IS A DERIVATIVE OF 85-T-1332-N, JOHN DILLARD; et al. v. CRENSHAW COUNTY, ALABAMA, etc., et al. FOR THE PURPOSE OF ORDERS THAT RELATE TO THIS CASE PRIOR TO 9/14/87 SEE DILLARD CASE FILE AND DOCKET SHEET.</p>

DC 111A
(Rev. 1/75)

CIVIL DOCKET CONTINUATION SHEET (Atty James Prestwood)

PLAINTIFF JOHN DILLARD, et al.	DEFENDANT CRENSHAW COUNTY, ALABAMA, etc., et al RE: CITY OF HEATH	DOCKET NO 85-T-1332-N 87-T-1232-N PAGE <u>2</u> OF <u> </u> PAGES
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DATE	NR.	PROCEEDINGS
1987		
Sep. *14		ORDER as follows: (1) by 9/17/87 the plaintiff class shall serve and file, individually with respect to each jurisdiction which is a member of subclass A, a detailed statement of the plaintiffs' claims ; (2) not later than 9/25/87 , the respective jurisdictions which are members of subclass A shall individually respond to the statement filed by the plaintiff class pursuant to paragraph one; (3) a status conference will be held Tuesday, 9/29/87 at 2:00 p.m., federal courthouse, Montgomery; (4) at the status conference, the subclass A jurisdictions should be prepared to nominate to the court a person to serve as liaison counsel for subclass A; (5) other matters, including scheduling of trials of liability and remedy issues for subclass A jurisdictions, will be addressed at the status conference; (6) the Clerk is DIRECTED to send a copy of this order to all jurisdictions which are members of subclass A. (Copies mailed to counsel, including counsel for subclass A jurisdictions; furnished Magistrate Carroll.) EOD 9/14/87. *Docketed per Judge Thompson's instructions.
	25	Plaintiffs' statement of claim against Subclass A member City of Heath. Referred to Judge Thompson. (Cy furnished Magistrate Carroll.)
Oct. 2		Plaintiffs' suggestions for designation of defendant Subclass A representatives and liaison counsel. Referred to Judge Thompson. (Cy furnished Magistrate Carroll.)
	5	ORDER allowing all subclass A members <u>7</u> days from the date of this order to file responses to plaintiff's suggestions for designation of defendant Subclass A representatives and liaison counsel. (Copies mailed to counsel.) EOD 10/6/87.
	9	City of Heath's motion for leave to withdraw from Subclass A and join Subclass B. Referred to Judge Thompson. (Cy furnished Magistrate Carroll.)
	13	Plaintiffs' <u>amendment</u> to suggestions for designation of defendant subclass A representatives and liaison counsel. Referred to Judge Thompson. (Cy furnished Magistrate Carroll.)
	14	ORDER allowing all subclass A members 7 days from the date of this order to file responses to plaintiffs' 10/13/87 amendment to suggestions for designation of defendant subclass A representatives and liaison counsel. (Copies mailed to counsel.) (Cy furnished Magistrate Carroll.) EOD 10/14/87.
	15	ORDER granting defendant Town of Health's 10/9/87 motion for leave to withdraw from subclass A and join subclass B; allowing said defendant until 10/30/87 to comply with the 9/14/87 order regarding subclass B, a copy of which is attached. This 9/14/87 order supersedes all prior procedural and administrative orders as to said defendant. (Copies mailed to counsel.) (Copy furnished Magistrate Carroll.) EOD 10/19/87. TRANSFERRED TO SUBCLASS B.
	20	ORDER and JUDGMENT appointing Hon. Charles S. Coody , U. S. Magistrate, Middle District of Alabama, additional special master with same authorities and duties already given special master Carroll; DIRECTING counsel for Attorney General of the State of Alabama to mail copy of this order to all members of Subclasses B and C or their attorneys. (Copies mailed to counsel.) EOD 10/21/87.
OVER		

OPTION A-B

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CIVIL DOCKET CONTINUATION SHEET

(Atty James Prestwood)

PLAINTIFF JOHN DILLARD, et al.		DEFENDANT CRENSHAW COUNTY, ALABAMA, etc., et al. RE: CITY OF HEATH	87-T-1232-N DOCKET NO. 87-T-1332-N PAGE <u>3</u> OF <u> </u> PAGES
DATE	NR.	PROCEEDINGS	
1987			
Oct. 30		ORDER, subject to court's later consideration of any objections (1) decertifying subclasses B and C as members of defendant class action; directing clerk to assign separate civil action numbers to proceedings with respect to each jurisdiction in subclasses B and C; (2) directing that decertified proceedings shall continue as a class action as previously certified with respect to plaintiffs; (3) consolidating the separate actions with respect to the former members of subclasses B & C for purposes of carrying out the procedures prescribed by interim consent decree; directing that the Attorney General shall continue to serve as lead counsel for defendants and David Boyd shall continue to serve as liaison counsel for defendants; directing that procedures in paras. 9-20 of interim consent decree shall continue in force and effect for the consolidated actions; (4) directing that all prior orders in this action not inconsistent with this order shall remain in full force and effect; (5) directing that the Attorney General shall promptly furnish a copy of this order to all jurisdictions of subclass B or subclass C; directing that any objections to procedural changes ordered herein must be filed, detailed written statement, with the clerk not later than 11/13/87 ; hearing to be set by court on objections which warrant such a proceeding; (6) directing that unless the court receives some objection, this order shall take effect on 11/18/87 and no further order will be entered; directing that if no further order is entered before 11/18/87, the parties should assume that the court received no objections. (Copies mailed to counsel.) (Cy furnished Magistrates Carroll and Coody.) EOD 10/30/87.	
Nov. 10		Plaintiffs' submission of remedy proposals. Referred to Judge Thompson. Copies furnished Magistrates Carroll and Coody.	
18		Affidavits of plaintiffs John Dillard, Damascus Crittenden, Jr., Earwan Ferrell, Jr., Clarence J. Jairrels, Dr. Ulysses McBride and Louis Hall, Jr. (in support of IFP status for consolidated cases 87-T-1150-N thru 87-T-1316-N.)	
18		ORDER that the plaintiffs are allowed to proceed in forma pauperis and without prepayment of filing fees in these cases (87-T-1150-N thru 87-T-1316-N), the court being of the opinion from the affidavits filed by the plaintiffs that they cannot afford the filing fees in these consolidated cases in the amount of \$20,520.00. (Copies mailed to counsel.) (Copies furnished Magistrates Carroll and Coody.) EOD 11/18/87.	

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CIVIL DOCKET CONTINUATION SHEET (Atty, James Prestwood)

PLAINTIFF		DEFENDANT	DOCKET NO. 87-T-1232-N
JOHN DILLARD et al.		CRENSHAW COUNTY, ALABAMA, etc., et al. RE: CITY OF HEATH	PAGE 4 OF ____ PAGES
DATE 1988	NR.	PROCEEDINGS	
Jan. 26		Magistrate Carroll's ORDER FOR CERTAIN SUBCLASS B JURISDICTIONS that Subclass B jurisdictions which have agreed upon a remedy, but have not submitted settlement documents shall, by 2/12/88, file with the court either (1) and appropriate package of settlement documents; or (2) a detailed explanation of the reason for the jurisdiction's inability to submit settlement documents by that date; that all Subclass B jurisdictions which have not reached a settlement, and which are not already set for a remedy hearing, shall, by 2/12/88, file with the court a statement advising the court of the jurisdiction's case status so that the court may schedule remedy hearings where appropriate; that, at or before the time of any hearing to ascertain fairness of proposed settlement agreement, the jurisdiction shall file with the court or the Attorney General evidence (affidavit of publication) that notice to class has been published in accordance with the court's order requiring same and a copy of the letter from the Attorney General of the United States granting preclearance of the proposed remedy under Section 5 of the Voting Rights Act of 1965, 42 USC 1973c. (Copies mailed to counsel.) EOD 1/27/88.	
Apr. 22		Plaintiffs' motion for award of attorneys fees and expenses from members of subclasses B and C. Referred to Judge Thompson.	
22		Plaintiffs' motion to schedule plaintiffs' claim for fees and expenses. Referred.	
28		<p>ORDER [CA Nos. 87-T-1150-N thru 87-T-1316-N, <u>all</u> Subclass B and C defendants--except Baldwin County Board of Education and City of Lisman] as follows:</p> <p>1. Liaison counsel shall receive all pleading, file all responses, and conduct all proceedings on behalf of the defendant jurisdictions relative to plaintiffs' motion for fees. 2. By 5/16/88 liaison shall provide all defendant jurisdictions with a summary of plaintiffs motion for fees and a copy of this order and shall notify those jurisdictions of their right to object to the motion for fees and shall provide the defendants with a general outline of a plan to apportion among the defendants the fees, etc., awarded to plaintiffs. 3. Any defendant jurisdiction which wishes to object to plaintiffs' motion for fees shall by 5/30/88 provide liaison counsel with a statement of its objection. 4. On or before 6/10/88 liaison counsel shall file with the court any objections, along with evidentiary materials supporting such objections, etc. 5. By 6/24/88 plaintiffs shall file their brief in support of their motion for fees. 6. By 7/1/88 liaison counsel shall file on behalf of the defendant jurisdictions any reply brief. 7. A hearing on the plaintiffs motion for fees will be conducted on 7/8/88 at 10 a.m.; defendant jurisdictions to be represented by liaison counsel. 8. By 6/10/88 liaison counsel shall also file with the court a final proposal for apportionment among the defendant jurisdictions of the fees, etc., to be awarded by the court; copy to be sent to each jurisdiction; defendants which object to apportionment system shall advise liaison counsel by 6/24/88; liaison counsel shall advise the court of any such objections by 7/1/88; any objections to be considered at the 7/8/88 hearing. (Copies mailed to counsel.) EOD 4/29/88.</p>	

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CIVIL DOCKET CONTINUATION SHEET (Atty James Prestwood)

PLAINTIFF		DEFENDANT	DOCKET NO. 87-T-1232-N
JOHN DILLARD, et al.		TOWN OF HEATH	PAGE 5 OF ____ PAGES
DATE	NR.	PROCEEDINGS	
May 17		ORDER REGARDING ATTORNEY FEES AND EXPENSES (1) DIRECTING clerk to set up a single separate file and docket sheet for the issues of attorney fees and expenses; (2) directing that all pleadings and orders regarding the issues of attorney fees, etc., are to be filed in separate file; (3) directing that separate file is incorporated in, and made a part of, each and every file for civil action nos. 85-T-1332-N and 87-T-1150-N thru 87-T-1316-N; (4) directing that Clerk need serve copies of this order and all future orders regarding attorney fees, etc., on only counsel for plaintiffs, counsel for Alabama Attorney General, and liaison counsel; and (5) directing that counsel need file only one copy of pleadings with the court. (Copies mailed to counsel.) EOD 5/17/88.	
Jun 16		Parties' joint motion for interim order enjoining election. Referred to Judge Thompson.	
	17	INTERIM ORDER ENJOINING defendant, etc., from holding the August 1988 elections in accordance with the schedule contained in the <u>Code of Alabama</u> . Elections and/or candidate qualification deadlines will be set by a later order. (Copies mailed to counsel.) EOD 6/17/88.	
Jul 26		Parties' joint motion for notice and approval of proposed compromise and settlement. (Proposed first order tentatively approving compromise and requiring notice to the class, proposed notice to class, proposed finding and recommendation of the Magistrate, proposed final order approving settlement and proposed consent decree, with exhibits, attached.) Referred to Magistrate Carroll and Judge Thompson.	
Aug 3		FIRST ORDER TENTATIVELY APPROVING COMPROMISE AND REQUIRING NOTICE TO THE CLASS directing the defendant to cause the notice attached to this order to be published in The Andalusia Star News once a week for 3 successive weeks prior to 8/23/88; directing that maps of the districts shall be displayed in the City Hall during normal business hours; ordering that copies of the attached notice be provided by the defendant to representatives of all local media and to any black community organizations who may request a copy thereof; DIRECTING the Magistrate to conduct a hearing for considering any objections by members of the plaintiff class to the proposed compromise and settlement. The hearing shall be held in the federal courthouse, Montgomery, Alabama, on 9/2/88 at 2:00 p.m. (Notice attached requires objections to be filed by 8/30/88.) EOD 8/3/88.	
Sep 1		Plaintiffs' notice of attorneys' withdrawal (Menefee and Guinier) and substitution (Ifill substituted for Karlan).	
	2	Hearing - Proposed settlement. (Before Magistrate Carroll.)	
	2	Courtroom Deputy's minutes of 9/2/88 hearing; witness list attached.	
	30	Received cy of U. S. Department of Justice's ltr to defendant re preclearance. Referred to Magistrate Carroll.	

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CIVIL DOCKET CONTINUATION SHEET

PLAINTIFF		DEFENDANT	DOCKET NO. 87-T-1232-N
JOHN DILLARD; ET AL		TOWN OF HEATH	PAGE 6 OF 6 PAGES
DATE	NR.	PROCEEDINGS	
1989			
July 5		Withdrawal of Susan E. Russ as counsel for State and Class B defendants (document maintained in 85-T-1332-N). Referred to Judge Thompson.	
Sep 30		Received copy of U. S. Department of Justice's letter to defendant re preclearance.	
Nov 2		Magistrate Carroll's FINDING AND RECOMMENDATION tha the court give immediate final approval of the proposed consent decree. (copies mailed to counsel.)	
	2	FINAL ORDER APPROVING SETTLEMENT (1) approving and adopting the recommendaiton of the Magistrate; and (2) approving the proposed consent decree previously submitted by parties. (copies mailed to counsel.) EOD 11-2-89.	
	2	<p>CONSENT DECREE ENJOINING defendant, its agents, etc. from conducting the elections for the city council under the present at-large election system; further ENJOINED as follows: that the city council shall consist of 5 members elected at-large, without designated or numbered places and with the 5 candidates receiving the most votes being elected and each voter casting as many as 5 votes which may be distributed among the candidates as each voter may choose; that elections be conducted at the regularly scheduled municipal elections in the summer of 1988; that defendant request the local legislative delegation to enact legislation providing the for form of government agreed to herein as further se-tout; that Black citizens shall be appointed as poll officials in numbers that reasonably reflect the racial composition of the municipality and said municipality shall develop and implement a plan to inform voters of this "cumulative vote" election system; that plaintiffs are prevailing parties for the purpose of the award of attorneys' fees and expenses. (Copies mailed to counsel.) EOD 11-2-89.</p>	
1992			
Jan. 27		Plaintiffs' motion for additional relief with respect to redistricting and the 1992 elections. Referred to Judge Thompson. WITHDRAWN per order of 2/28/92.	
Feb 6		ORDER that defendant jurisdictions show cause in writing, if any, as to why motion for additional relief, filed by plaintiffs on 1-27-92, should not be granted. (Copies mailed to counsel.) EOD: 2-7-92	
Feb. 19		Plaintiffs' withdrawal of motion. Referred to Judge Thompson.	
* Feb. 28		ORDER that plaintiffs' motion for additional relief with respect to redistricting and the 1992 election is withdrawn. (Copies sent to counsel.)	
* Feb. 24		ORDER that David R. Boyd is removed as liaison counsel for defendant subclasses B and C; further ORDERED that Mort P. Ames, Deputy State Attorney General is appointed liaison counsel for defendant subclasses B and C; further ORDERED that no later than 03/06/92 plaintiffs and liaison counsel (1) shall meet with each other to develop procedures as to how the court should proceed in light of responses from defendant subclasses B and C, and (2) shall submit such procedures to the court.	